IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

CRL.A.No. 1290 of 2003

CC.270/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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APPELLANT: COMPLAINANT

M/S.P.S.N.AUTO SPARES, P.B.NO.2270,
35/189, PALARIVATTOM, COCHIN-25, REPRESENTED BY
ITS MANAGER, ANILKUMAR.T.B., P.S.N AUTO SPARES,
ERNAKULAM BRANCH, COCHIN-25

BY ADV. SRI.P.M.JOSHI

RESPONDENTS: ACCUSED AND STATE

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1. P.M.RAJESH, PROPRIETOR,
V.R.AUTOMOBILES, THURACKAL, KONDOTTY-17,
MALAPPURAM DISTRICT

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTORMR. AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.1290 of 2003-C

DATED THIS THE 7th November 2007

JUDGMENT

The appellant is the complainant in C.C.No. 270/2000 in the file of the Judicial Magistrate of First Class-II, Ernakulam with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting dates.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10-12-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.1118 of 2007

JUDGMENT

27-6-2007

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